

Sumter City-County Board of Appeals

February 10, 2010

BOA-10-02, 129 Maney Street (City), Sumter County

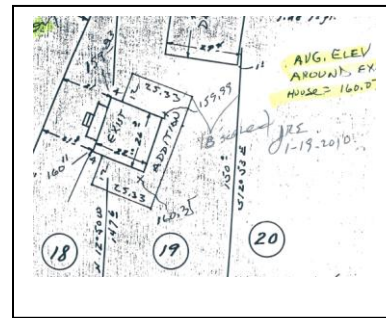
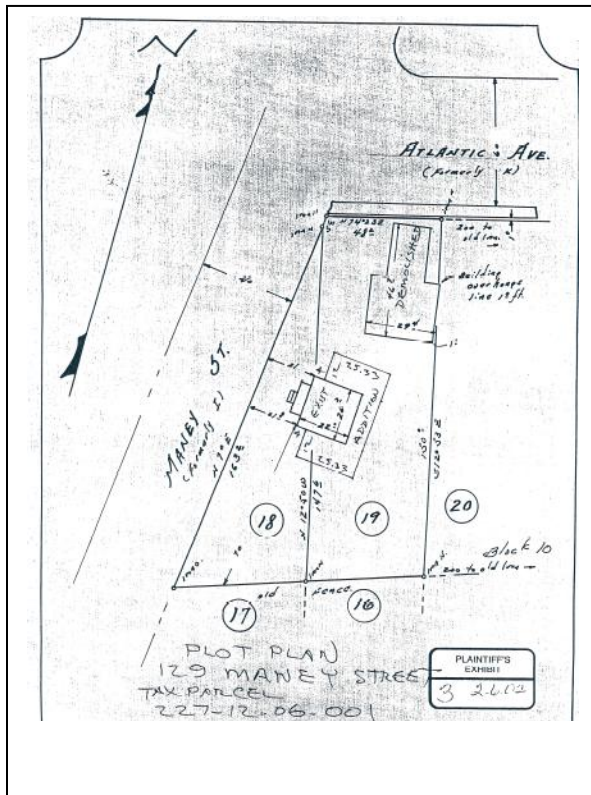
I. THE REQUEST

Applicant:	Sumter County Community Development
Status of the Applicant:	Property Owner
Request:	The applicant is requesting a 3 ft. variance from the rear yard setback requirement of 20 ft.
Location:	129 Maney Street
Present Use/Zoning:	Vacant Residential / GR – General Residential
Tax Map Reference:	227-12-06-001

II. BACKGROUND

The owner, Sumter County Community Development, proposes to construct a 773 sq. ft. addition to an existing, vacant residential structure that is approximately 588 sq. ft. in size and contains four unfinished rooms. The parcel is unusually shaped and is zoned GR where the rear setback requirement is 20 ft. The front setback where the house is located is 21 ft., where the district requires 35 ft. The house faces and is parallel to Maney Street and is situated on a trapezoidal-shaped corner lot with one side shorter than the other, which places further contingencies on the property concerning setbacks. At the location of the structure, the parcel is only about seventy (70) ft. There is no way to locate the structure on the lot and not have some setback issues.

The house is in an area currently being studied for potential historic resources, and is estimated to have been originally constructed in the first or second quarter of the 20th century. It also lies within the FEMA mapped flood zone, and the applicants have had some delays in the permitting process while they complied with the flood ordinance requirements for permitting. It was only after going through this process (that required the submission of a plot plan), that it was discovered that a variance on the rear setback would be necessary. It is possible that otherwise the need for a variance might not have been discovered until after the structure was begun and the first inspections were called for, as Sumter does not require residential plans review.



Plot plan submitted by R. Edwards, Surveyor. He has not surveyed the property line but he has taken floodplain elevations at the property, and according to his professional estimation and in scaling from the map, the closest point on the structure is approximately 17 to 18 feet from the property line in the rear. (The property lies in the 100-year floodzone, but this fact is not in question nor is it applicable to the variance or setback issues.)

As a part of the BZA application, the applicant submitted a plat and a construction drawing showing the proposed size and location of the addition to the structure as shown.

The house as it appears today is a vacant shell. The interior walls have been removed and the lot has been cleared. The addition is designed to wrap around the present structure.



III. FOUR PART TEST

- 1) ***There are extraordinary and exceptional conditions pertaining to the particular piece of property.***

The parcel is oddly shaped and is of a configuration that makes it impossible to meet all the setback requirements no matter how it is constructed. There is adequate space available to build an addition, but as the house faces Maney Street and the front setback is already not met, it cannot meet the rear setback requirements. The addition is the smallest and most economically designed one that may be made in order to convert it into 3 bedrooms. The house can not be moved any further away from the rear lot line in order to accommodate the rear setback.

- 2) ***These conditions do not generally apply to other property in the vicinity.***

These conditions do not apply to other property in the vicinity. The adjacent parcels are all regularly shaped and many do not contain structures. The houses on the other parcels that face Maney Street are a few blocks away and are situated without these setback issues because their front yards are not canted like 109 Maney Street's frontage, and are regularly shaped.

- 3) ***Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property.***

The conditions imposed on this property do effectively prohibit or restrict the use of the property. Although there is a house already located on the property, it is very small and the addition will make it only a moderate sized 3-bedroom house. If the house were moved, the cost would be prohibitive and would make this rehabilitation impractical. Without the variance the structure can not be improved and the addition will not be built, and the structure will continue to sit vacant.

- 4) ***The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the granting of the variance will not harm the character of the district.***

The authorization of this variance will not pose a substantial detriment to the adjacent property and to the public good. The structure sits vacant in an area where crime is a problem, and the addition will make it into a livable home. There is a fence on the property line that will protect it from any undesirable encroachment. The variance is the smallest that can be made in order to build the addition. A finished residence will improve this area, and not be of any detriment.

IV. STAFF RECOMMENDATION

Staff recommends approval of this request.

V. DRAFT MOTIONS FOR BOA-10-02

- A. I move that the Zoning Board of Appeals deny BOA-10-02, subject to the findings of fact and conclusions contained in the draft order, dated February 10, 2010 and attached as Exhibit 1.
- B. I move that the Zoning Board of Appeals approve BOA-10-02, subject to the following findings of fact and conclusions:
- C. I move that the Zoning Board of Appeals enter an alternative motion for BOA-10-02.

VI. BOARD OF ZONING APPEALS – FEBRUARY 10, 2010

The Sumter City-County Board of Appeals at its meeting on Wednesday, February 10, 2010, voted to approve this request, based on the findings of fact and conclusions on exhibit 1.

Exhibit 1
Order on Variance Application
Sumter Board of Appeals

BOA-10-02, Sumter County Community Development
109 Maney Street
February 10, 2010

Date Filed: February 10, 2010

Permit Case No. BOA-10-02

The Sumter Board of Appeals held a public hearing on Wednesday, February 10, 2010 to consider the appeal of Sumter County CDC, for property located at 109 Maney Street, Sumter, for a variance from the strict application of the Zoning Ordinance as set forth on the Form 3 affecting the property described on Form 1 filed herein. After consideration of the evidence and arguments presented, the Board makes the following findings of fact and conclusions.

1. The Board concludes that the Applicant ☒ **has** - ☐ **does not have** an unnecessary hardship because there are extraordinary and exceptional conditions pertaining to the particular piece of property based on the following findings of fact:

The parcel is oddly shaped and is of a configuration that makes it impossible to meet all the setback requirements no matter how it is constructed. There is adequate space available to build an addition, but as the house faces Maney Street and the front setback is already not met, it cannot meet the rear setback requirements. The addition is the smallest and most economically designed one that may be made in order to convert it into 3 bedrooms. The house can not be moved any further away from the rear lot line in order to accommodate the rear setback.

2. The Board concludes that these conditions ☐ **do** - ☒ **do not** generally apply to other property in the vicinity based on the following findings of fact:

These conditions do not apply to other property in the vicinity. The adjacent parcels are all regularly shaped and many do not contain structures. The houses on the other parcels that face Maney Street are a few blocks away and are situated without these setback issues because their front yards are not canted like 109 Maney Street's frontage, and are regularly shaped.

3. The Board concludes that because of these conditions, the application of the ordinance to the particular piece of property ☒ **would** - ☐ **would not** effectively

prohibit or unreasonable restrict the utilization of the property based on the following findings of fact:

The conditions imposed on this property do effectively prohibit or restrict the use of the property. Although there is a house already located on the property, it is very small and the addition will make it only a moderate sized 3-bedroom house. If the house were moved, the cost would be prohibitive and would make this rehabilitation impractical. Without the variance the structure can not be improved and the addition will not be built, and the structure will continue to sit vacant.

4. The Board concludes that authorization of the variance ☐ **will**– ☒ **will not** be of substantial detriment to adjacent property or to the public good, and the character of the district ☐ **will** - ☒ **will not** be harmed by the granting of the variance based on the following findings of fact:

The authorization of this variance will not pose a substantial detriment to the adjacent property and to the public good. The structure sits vacant in an area where crime is a problem, and the addition will make it into a livable home. There is a fence on the property line that will protect it from any undesirable encroachment. The variance is the smallest that can be made in order to build the addition. A finished residence will improve this area, and not be of any detriment.

THE BOARD, THEREFORE, ORDERS that the variance is ☐ **DENIED** – ☒ **GRANTED**, subject to the following conditions:

Approved by the Board by majority vote.

Date issued: _____

Chairman

Date mailed to parties in interest: _____

Secretary

Notice of appeal to Circuit Court must be filed within 30 days after date this Order was mailed.